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09/588,276	06/06/2000	Charles Benjamin Dieterich	SAR 13423	8138

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EXAMINER
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ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒   Responsive to communication(s) filed on <u>05 May 2003 and 28 March 2003</u> .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
      closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒   Claim(s) <u>1-29</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐   Claim(s) _____ is/are allowed.

6)☒   Claim(s) <u>1-29</u> is/are rejected.

7)☐   Claim(s) _____ is/are objected to.

8)☐   Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐   The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☒ The proposed drawing correction filed on <u>28 March 2003</u> is: a)☒ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)		4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6)☐ Other: .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed March 28, 2003 have been fully considered but they

are not persuasive.

In re pages 4-4, applicant argues that, with respect to claim 1, Isnardi et al

describes having a bitstream decoded by two separate video decoders and then

comparing the decoded video produced by one video decoder against the decoded

video produced by the other video decoder and Isnardi et al does not describe or

suggest comparing one part of a picture decoded by a video decoder to another part of

that picture decoded by that video decoder as recited in claim 1.

In response, the examiner respectfully disagrees. It is noted that claim 1 recites

> "applying a test bitstream to the decoder being tested to decode the test
> bitstream, wherein the test bitstream includes at least one picture representing at
> least in part **a reference image portion**, wherein the at least one picture
> includes **a region** that is a direct-coded representation of **the reference image
> portion** and **a region** that is an indirect-coded representation of **the reference
> image portion**, whereby the decoder produces at least one picture including a
> decoded direct-coded region representative of the reference image portion and a
> decoded indirect-coded region representative of the reference image portion; and
>   comparing the decoded direct-coded and decoded indirected-coded
> regions representative of the reference image portion produced by the decoder
> being tested".

It is noted that claim 1 does not specifically recites that **a region that is direct-**

coded representation of the reference image portion and **a region that is indirect-**

coded representation of the reference image portion are **different**. As a matter of

fact that **a region that is direct-coded representation of the reference image**

portion and **a region that is indirect-coded representation of the reference image**

portion are **the same region because they represent the same reference image**

portion. Since a region that is direct-coded representation of the reference image

portion and a region that is indirect-coded representation are the same region, Isnardi et

al, as recognized by applicant, discloses the claimed invention because Isnardi et al

discloses the same region are decoded and compared to determine whether the DUT is

in compliance with a specific standard.

In re page 6, applicant argues claim 2 recites that the direct-coded representation

is intra-coded and ... the indirect-coded representation is one of predictively and

bidirectionally coded, claim 4 recites the reference image portion includes at least one

indicia and a portion of the indicia is in the direct-coded region and a portion in the

indirect-coded region, and claims 5 and 6 recite the test bitstream includes an additional

picture that includes direct-coded and indirect-coded representation thereof, non of

which is described by Isnardi et al.

In response, the examiner respectfully disagrees. With respect to claim 2, Isnardi

et al discloses the claimed that the direct-coded representation is intra-coded and ... the

indirect-coded representation is one of predictively and directionally coded (col. 3, lines

26-42 and col. 5, lines 43-65); Isnardi et al also discloses the claimed the reference

image portion includes at least one indicia and a portion of the indicia is in the direct-

coded portion and a portion in the indirect-coded region (col. 3, lines 26-42 and col. 5,

lines 43-65) as recited in claim 4; and Isnardi et al discloses the claimed the test

bitstream includes an additional picture that includes direct-coded and indirect-coded

representation thereof (col. 3, lines 26-42 and col. 5, lines 43-65) as recited in claims 5

and 6.

In re page 8, applicant argues that claim 7 is patentable because it recites

"producing a bitstream of at least one picture of the sequence of pictures
that includes a region that includes a direct-coded representation of the reference
image portion and a region that includes an indirect-coded representation of the
reference image portion,"

which is not described or suggested by Isnardi et al.

In response, the examiner respectfully disagrees. As discussed above with

respect to claim 1, Isnardi et al does discloses the claimed "producing a bitstream of at

least one picture of the sequence of pictures that includes a region that includes a

direct-coded representation of the reference image portion and a region that includes an

indirect-coded representation of the reference image portion" because a region that

includes a direct-coded representation of the reference image portion and a region that

includes an indirect-coded representation of the reference image portion are the same

region.

In re page 8, applicant argues claim 8 recites that the direct-coded representation

is intra-coded and ... the indirect-coded representation is one of predictively and

bidirectionally coded, claim 10 recites the reference image portion includes at least one

indicia and a portion of the indicia is in the direct-coded region and a portion in the

indirect-coded region, and claims 11 and 12 recite the test bitstream includes an

additional picture that includes direct-coded and indirect-coded representation thereof,

non of which is described by Isnardi et al.

In response, the examiner respectfully disagrees. As discussed above, with respect to claim 8, Isnardi et al discloses the claimed that the direct-coded representation is intra-coded and ... the indirect-coded representation is one of predictively and directionally coded (col. 3, lines 26-42 and col. 5, lines 43-65); Isnardi et al also discloses the claimed the reference image portion includes at least one indicia and a portion of the indicia is in the direct-coded portion and a portion in the indirect-coded region (col. 3, lines 26-42 and col. 5, lines 43-65) as recited in claim 10; and Isnardi et al discloses the claimed the test bitstream includes an additional picture that includes direct-coded and indirect-coded representation thereof (col. 3, lines 26-42 and col. 5, lines 43-65) as recited in claims 11 and 12.

In re page 8, applicant argues that claim 13 is patentable because it recites

> "a generator of a bitstream of at least one picture of the sequence of pictures that includes a region that includes a direct-coded representation of the reference image portion and a region that includes an indirect-coded representation of the reference image portion,"

which is not described or suggested by Isnardi et al.

In response, the examiner respectfully disagrees. As discussed above with respect to claim 1, Isnardi et al does discloses the claimed "a generator of a bitstream of at least one picture of the sequence of pictures that includes a region that includes a direct-coded representation of the reference image portion and a region that includes an indirect-coded representation of the reference image portion" because a region that includes a direct-coded representation of the reference image portion and a region that includes an indirect-coded representation of the reference image portion are the same region.

In re page 8, applicant argues claim 14 recites that the direct-coded

representation is intra-coded and ... the indirect-coded representation is one of

predictively and bidirectionally coded, claim 16 recites the reference image portion

includes at least one indicia and a portion of the indicia is in the direct-coded region and

a portion in the indirect-coded region, and claims 18 and 19 recite the test bitstream

includes an additional picture that includes direct-coded and indirect-coded

representation thereof, non of which is described by Isnardi et al.

In response, the examiner respectfully disagrees. As discussed above, with

respect to claim 14, Isnardi et al discloses the claimed that the direct-coded

representation is intra-coded and ... the indirect-coded representation is one of

predictively and directionally coded (col. 3, lines 26-42 and col. 5, lines 43-65); Isnardi

et al also discloses the claimed the reference image portion includes at least one indicia

and a portion of the indicia is in the direct-coded portion and a portion in the indirect-

coded region (col. 3, lines 26-42 and col. 5, lines 43-65) as recited in claim 16; and

Isnardi et al discloses the claimed the test bitstream includes an additional picture that

includes direct-coded and indirect-coded representation thereof (col. 3, lines 26-42 and

col. 5, lines 43-65) as recited in claims 18 and 19.

In re pages 8-9, applicant argues that claim 20 is patentable because it recites

> "A bitstream for testing a decoder comprising a coded representation of a
> sequence of pictures that includes a region that includes a direct-coded
> representation of the reference image portion and a region that includes an
> indirect-coded representation of the reference image portion,"

which is not described or suggested by Isnardi et al.

In response, the examiner respectfully disagrees. As discussed above with respect to claim 1, Isnardi et al does discloses the claimed "A bitstream for testing a decoder comprising a coded representation of a sequence of pictures that includes a region that includes a direct-coded representation of the reference image portion and a region that includes an indirect-coded representation of the reference image portion" because a region that includes a direct-coded representation of the reference image portion and a region that includes an indirect-coded representation of the reference image portion are the same region.

In re page 9, applicant argues claim 21 recites that the direct-coded representation is intra-coded and ... the indirect-coded representation is one of predictively and bidirectionally coded, claim 23 recites the reference image portion includes at least one indicia and a portion of the indicia is in the direct-coded region and a portion in the indirect-coded region, and claims 24 and 25 recite the test bitstream includes an additional picture that includes direct-coded and indirect-coded representation thereof, non of which is described by Isnardi et al.

In response, the examiner respectfully disagrees. As discussed above, with respect to claim 21, Isnardi et al discloses the claimed that the direct-coded representation is intra-coded and ... the indirect-coded representation is one of predictively and directionally coded (col. 3, lines 26-42 and col. 5, lines 43-65); Isnardi et al also discloses the claimed the reference image portion includes at least one indicia and a portion of the indicia is in the direct-coded portion and a portion in the indirect-coded region (col. 3, lines 26-42 and col. 5, lines 43-65) as recited in claim 23; and

Isnardi et al discloses the claimed the test bitstream includes an additional picture that

includes direct-coded and indirect-coded representation thereof (col. 3, lines 26-42 and

col. 5, lines 43-65) as recited in claims 24 and 25.

In re page 9, applicant argues that claim 26 is patentable because it recites

> "means for causing a computer to produce a coded bitstream that includes
> at least one picture of the sequence of pictures that includes a direct-coded
> representation of the reference image portion and an indirect-coded
> representation of the reference image portion,"

which is not described or suggested by Isnardi et al.

In response, the examiner respectfully disagrees. As discussed above with

respect to claim 1, Isnardi et al does discloses the claimed "means for causing a

computer to produce a coded bitstream that includes at least one picture of the

sequence of pictures that includes a direct-coded representation of the reference image

portion and an indirect-coded representation of the reference image portion" because a

region that includes a direct-coded representation of the reference image portion and a

region that includes an indirect-coded representation of the reference image portion are

the same region.

In re page 9, applicant argues claim 27 recites means for causing the computer

to produce an intra-coded representation of the reference image portion and claim 28

recites means for causing the computer to produce one of a predictively-coded and a

bidirectionally-coded representation of the reference image portion, none of which is

described by Isnardi et al.

In response, the examiner respectfully disagrees. As discussed above, with

respect to claim 27, Isnardi et al discloses the claimed means for causing the computer

to produce an intra-coded representation of the reference image portion (col. 3, lines

26-42 and col. 5, lines 43-65 and Isnardi et al discloses the claimed means for causing

the computer to produce one of a predictively-coded and a bidirectionally-coded

representation of the reference image portion (col. 3, lines 26-42 and col. 5, lines 43-65)

as recited in claim 28.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Isnardi

et al (US Patent No. 6,400,400 B1).

In considering claim 1, Isnardi et al discloses all the claimed subject matter, note

1) the claimed applying a test bitstream to the decoder being tested to decode the test

bitstream, wherein the test bitstream includes at least one picture representing at least

in part a reference image portion, wherein the at least one picture includes a region that

is a direct-coded representation of the reference image portion and a region that is an

indirect-coded representation of the reference image portion, whereby the decoder

produces at least one picture including a decoded direct-coded region representation of

the reference image portion and a decoded indirect-coded region representation of the

reference image portion is met by the test bitstream generator 110, the video decoder

under test 120 and the reference video decoder 130 (Figs. 1 and 3, col. 2, line 54 to col.

4, line 13 and col. 5, lines 43-65), and 2) the claimed comparing the decoded direct-

coded and decoded indirect-coded regions representative of the reference image

portion produce by the decoder being tested is met by the video output analyzer 140

which is compare, analyze two outputs from the video decoder under test 120 and the

reference video decoder 130 (Fig. 2, col. 4, line 14 to col. 5, line 42).

In considering claim 2, the claimed wherein the direct-coded representation is

intra-coded, and wherein the indirect-coded representation is one of predictively coded

and bidirectionally-coded is met by Fig. 3, col. 5, line 43 to col. 7, line 54.

In considering claim 3, the claimed wherein the test bitstream is one of an MPEG

bitstream and an MPEG-like bitstream is met by the test bitstream generator 110 (Fig.

1, col. 4, lines 28-56).

In considering claim 4, the claimed wherein the reference image portion includes

at least one indicia, at least a portion of the indicia being in the region that is a direct-

coded representation of the reference image portion and at least a portion of the indicia

being in the region that is an indirect-coded representation of the reference image

portion, and wherein said comparing includes comparing the respective portions of the

indicia in the decoded direct-coded and decoded indirect-coded region is met by Fig. 3,

col. 5, lines 43-65.

In considering claim 5, the claimed wherein said the test bitstream includes at

least one additional picture of a sequence of picture that is a direct-coded

representation of the reference image portion and that follows the at least one picture

that includes direct coded and indirect coded representations of the reference image

portion is met by Fig. 3 illustrates a test frame 300 having at least one intra coded area

310 and an actual test data area 320 (multiple intra coded areas can be applied, e.g., a

second intra coded can be applied below the actual data area) (col. 5, lines 43-65).

In considering claim 6, the claimed further comprising repeatedly inserting the

additional picture into the sequence of pictures at one of regular and irregular intervals

is met by the test bitstream generator 110 (Fig. 1, col. 4, lines 28-56).

Claims 7-12 are rejected for the same reason as discussed in claims 1-6,

respectively.

Claims 13-15 are rejected for the same reason as discussed in claims 1-3,

respectively.

Claim 16 is rejected for the same reason as discussed in claim 1.

Claims 17-19 are rejected for the same reason as discussed in claims 4-6,

respectively.

Claims 20-25 are rejected for the same reason as discussed in claims 1-6,

respectively.

Claim 26 is rejected for the same reason as discussed in claim 1.

Claim 27 is rejected for the same reason as discussed in claim 2.

Claim 28 is rejected for the same reason as discussed in claim 2.

Claim 29 is rejected for the same reason as discussed in claim 3.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Trang U. Tran** whose telephone number is **(703) 305-**

0090.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **John W. Miller,** can be reached at **(703) 305-4795.**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Technology Center 2600 Customer Service Office

whose telephone number is (703) 306-0377.

TT TT

August 9, 2003

MICHAEL H. LEE
PRIMARY EXAMINER